

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RAFAEL MARTIROSYAN,

Plaintiff,

v.

MADSEN, *et al.*,

Defendants.

Case No. 1:24-cv-01168-JLT-BAM (PC)

ORDER GRANTING PLAINTIFF'S MOTION
FOR EXTENSION OF TIME (SEVEN DAYS)
TO FILE AN AMENDED COMPLAINT

(ECF No. 22)

Plaintiff Rafael Martirosyan ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On June 20, 2025, the Court issued an order construing Plaintiff's filing as a motion to file an amended complaint and motion to stay case and granted Plaintiff's motion to file an amended complaint and denied the motion to stay the case. (ECF Nos. 15, 17). Plaintiff was directed to file a second amended complaint including all relevant claims and defendants to be raised in this action, limited to 25 pages in length, excluding exhibits (or file a notice of voluntary dismissal). (ECF No. 17.)

On July 25, 2025, the Court granted Plaintiff's request for an extension of time to file an amended complaint. (ECF No. 20.) The Court directed Plaintiff to file a second amended complaint including all relevant claims and defendants to be raised in this action, limited to 25 pages in length, excluding exhibits, or file a notice of voluntary dismissal within thirty days from

1 the date of service of the order. (*Id.* at 3.) The Court cautioned that if Plaintiff failed to file a
2 second amended complaint (or notice of voluntary dismissal) in compliance with the Court’s
3 order, then the action would be dismissed, with prejudice, for failure to prosecute, failure to obey
4 a court order, and failure to state a claim. (*Id.*) Plaintiff’s second amended complaint (or notice
5 of voluntary dismissal) was due on or before August 27, 2025.

6 Currently before the Court is Plaintiff’s request for a seven-day extension of time to file a
7 second amended complaint, filed August 27, 2025. (ECF No. 22.) Plaintiff requests an extension
8 of time to finish drafting the second amended complaint and obtain necessary documents to attach
9 as exhibits. Plaintiff explains that since the prior order granting him an extension, he has been
10 busy and preoccupied with his obligations in other cases: 2:21-cv-6433-PA MAR consolidated
11 with 2:23-cv-3346-PA-MAR, and 2:22-cv-6259-PA-MAR. He also has taken up two college
12 courses. With regard to his other cases, Plaintiff indicates that he had to appear for virtual
13 conferences, and draft pre-settlement conference briefs and other documents, which took a
14 substantial of amount of his time. He did not have a laptop during that time, but he does now.
15 (*Id.*)

16 Having considered the request, Plaintiff has shown good cause for the brief extension of
17 time to file a second amended complaint (or a notice of voluntary dismissal). Fed. R. Civ. P.
18 6(b).

19 Plaintiff is reminded that his second amended complaint should be brief, Fed. R. Civ. P.
20 8(a), but it must state what each named defendant did that led to the deprivation of Plaintiff’s
21 constitutional rights, *Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009). Although accepted as true,
22 the “[f]actual allegations must be [sufficient] to raise a right to relief above the speculative level .
23 . . .” *Bell Atlantic v. Twombly*, 550 U.S. 544, 555 (2007) (citations omitted). Any amended
24 complaint shall be **limited to 25 pages in length**, excluding exhibits. Plaintiff may not join
25 unrelated claims.

26 Additionally, Plaintiff may not change the nature of this suit by adding new, unrelated
27 claims in his amended complaint. *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007) (no
28 “buckshot” complaints).

1 Finally, Plaintiff is advised that an amended complaint supersedes the original complaint.
2 *Lacey v. Maricopa County.*, 693 F.3d 896, 927 (9th Cir. 2012). Therefore, Plaintiff's amended
3 complaint must be "complete in itself without reference to the prior or superseded pleading."
4 Local Rule 220.

5 Accordingly, IT IS HEREBY ORDERED as follows:

- 6 1. Plaintiff's motion for an extension of time to file a second amended complaint, (ECF No.
7 22), is GRANTED;
- 8 2. Within **seven (7) days** from the date of service of this order, Plaintiff shall file a **second**
9 **amended complaint** including all relevant claims and defendants to be raised in this
10 action (or file a notice of voluntary dismissal);
- 11 3. Plaintiff's second amended complaint shall be **limited to 25 pages in length**, excluding
12 exhibits; and
- 13 4. **If Plaintiff fails to file a second amended complaint (or a notice of voluntary**
14 **dismissal) in compliance with this order, this action will be dismissed, with prejudice,**
15 **for failure to prosecute, failure to obey a court order, and failure to state a claim.**

16 IT IS SO ORDERED.
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18 Dated: August 28, 2025

19 /s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE
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